

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC  
Dakota Access Pipeline Project  
Siting Application**

**CASE NO. PU-14-842**

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**AMENDED APPLICATION OF DAKOTA ACCESS, LLC FOR WAIVER  
OR REDUCTION OF PROCEDURES AND TIME SCHEDULES**

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In connection with its submission of a consolidated application for an amended Certificate of Corridor Compatibility and amended Route Permit (“Application”) for an approximately 358-mile 12-, 20-, 24-, and 30-inch diameter crude oil pipeline and associated facilities in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties, North Dakota and terminals near Stanley in Mountrail County, near Tioga in Williams County, near Epping in Williams County, near Trenton in Williams County, near Watford City in McKenzie County, and near Johnsons Corner in McKenzie County (the “Project”), Dakota Access, LLC (“Dakota Access” or “DAPL”) submits to the Commission this **amended** application for a waiver or reduction of procedures and time schedules (“Amended Waiver Application”) set forth in Chapter 49-22 of the North Dakota Century Code (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code (“Siting Rules”).

In accordance with Section 49-22-07.2 of the North Dakota Century Code and Chapter 69-06-06 of the North Dakota Administrative Code, Dakota Access requests that the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. Dakota Access’s request includes, but is not limited to:

1. That the Commission waive, pursuant to North Dakota Century Code Sections 49-22-07.2 and 49-22-13, and North Dakota Administrative Code Section 69-06-01-

02 and Chapter 69-06-06, any applicable provisions of North Dakota Century Code Sections 49-22-08, 49-22-08.1, and 49-22-13, and North Dakota Administrative Code Section 69-06-01-02 insofar as they require the separate filing of applications for an amended Certificate of Corridor Compatibility and an amended Route Permit, separate notices of such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission waive the requirements of Sections 49-22-07.2, 49-22-08, 49-22-08.1 and 49-22-13 of the North Dakota Century Code and Chapter 69-06-01-02 of the North Dakota Administrative Code insofar as these sections may require that the Commission hold a public hearing on a waiver request, the application for an amended Certificate of Corridor Compatibility, and/or the application for an amended Route Permit. Dakota Access requests that the Commission **wave in its entirety any hearing or notice of opportunity for hearing requirement**, and instead approve the route deviations and issue an amended Certificate of Corridor Compatibility and amended Route Permit based on the information before the Commission in support of the Application and Amended Waiver Application. Given the route adjustments are necessitated by factors outside the control of Dakota Access, the Commission should allow for a waiver of the standard procedures for such a request.
3. That the Commission waive or modify any necessary provisions to allow for an expeditious decision to be rendered on the requests of Dakota Access to modify the corridor and route.

Consistent with the Commission’s Energy and Transmission Facility Siting Guidelines, Dakota Access provides the following information in support of its requests for waiver or reduction of procedures and time schedule:

**A. Description of Route Modifications.**

**1. Type, Product, Size and Design, and Geographical Service Area:** The route modifications will not alter the type, product, size and design, or geographical service area of the Project. All of these factors will remain the same as set forth in the documents and testimony provided to date. The route will only be altered in the areas as depicted on the maps included in Amended Exhibit A and explained in greater detail throughout these pleadings. The route modifications will occur in Mountrail, Williams, McKenzie, and Dunn Counties, North Dakota.

Locations affected include:

<b>Reroute Location</b>	<b>Lands Impacted</b>
<b>20</b>	<u>Township 156 North, Range 92 West, Mountrail County</u> Section 31  <u>Township 156 North, Range 93 West, Mountrail County</u> Sections 31, 32, 33, 34, 35, and 36  <u>Township 156 North, Range 94 West, Mountrail County</u> Section 36
<b>22</b>	<u>Township 156 North, Range 94 West, Mountrail County</u> Sections 31, 32, 33, and 34  <u>Township 156 North, Range 95 West, Williams County</u> Section 36
<b>24</b>	<u>Township 155 North, Range 96 West, Williams County</u> Sections 1, 2, 3, 4, and 5  <u>Township 156 North, Range 96 West, Williams County</u> Section 32
<b>25</b>	<u>Township 156 North, Range 96 West, Williams County</u> Sections 31 and 32

<b>Reroute Location</b>	<b>Lands Impacted</b>
	<u>Township 156 North, Range 97 West, Williams County</u> Sections 34, 35, and 36  <u>Township 155 North, Range 97 West, Williams County</u> Sections 3, 4, and 5
26	<u>Township 155 North, Range 97 West, Williams County</u> Sections 5 and 6  <u>Township 155 North, Range 98 West, Williams County</u> Sections 1 and 2
28	<u>Township 155 North, Range 98 West, Williams County</u> Sections 4, 5, and 6  <u>Township 156 North, Range 98 West, Williams County</u> Section 32
31	<u>Township 155 North, Range 100 West, Williams County</u> Sections 8, 9, 10, 11, and 12
34	<u>Township 155 North, Range 101 West, Williams County</u> Sections 7, 8, 9, 10, 11, and 18
36	<u>Township 154 North, Range 102 West, Williams County</u> Sections 27, 34, and 35  <u>Township 153 North, Range 102 West, Williams County</u> Sections 2, 10, and 11
42	<u>Township 151 North, Range 102 West, McKenzie County</u> Sections 15, 16, 17, 22, and 23
44	<u>Township 149 North, Range 98 West, McKenzie County</u> Section 6  <u>Township 149 North, Range 99 West, McKenzie County</u> Section 1  <u>Township 150 North, Range 98 West, McKenzie County</u> Sections 28, 29, 31, and 32
46	<u>Township 150 North, Range 96 West, McKenzie County</u> Section 19  <u>Township 150 North, Range 97 West, McKenzie County</u> Sections 19, 20, 21, 22, 23, and 24
50	<u>Township 147 North, Range 96 West, Dunn County</u> Section 2

Reroute Location	Lands Impacted
	<u>Township 148 North, Range 96 West, Dunn County</u> Sections 13, 23, 24, 26, and 35
52	<u>Township 146 North, Range 94 West, Dunn County</u> Sections 19 and 30  <u>Township 146 North, Range 95 West, Dunn County</u> Sections 11, 13, 14, and 24
53	<u>Township 146 North, Range 93 West, Dunn County</u> Section 30  <u>Township 146 North, Range 94 West, Dunn County</u> Sections 25, 26, 27, 28, and 29

2. **Time Schedule:** Construction of portions of the Project commenced on January 21, 2016, as set forth in the Formal Notice for Start of Construction filed with the Commission. See PSC Docket No. 145. Formal Notice for Start of Construction of the pipeline was filed on the same date as this Amended Waiver Application. As set forth in the Formal Notice for Start of Construction for the pipeline, pipeline construction will begin no later than May 15, 2016.

3. **Future Plans:** At this time, Dakota Access has no specific plans for additions to or modifications of the Project, other than those requested in the accompanying documents or which may be allowed pursuant to the Commission’s January 20, 2016 Order and provisions of Chapter 49-22 of the North Dakota Century Code. Dakota Access will provide necessary documentation or seek approval as necessary in the event additional modifications are required.

**B. Need for Facility.**

The need for the Project remains the same as set forth in all filings in this matter, along with the testimony presented to date. Approval of the requested route deviations and modifications to the Project will allow Dakota Access to satisfy landowner requests, to further environmental protection considerations, and to construct the Project in the most efficient way

possible. The Project will ultimately allow for needed capacity to transport crude oil production safely and economically from the Bakken and Three Forks formations to facilities with access to major markets. The need for the facility is further addressed in the Commission's January 20, 2016 Order granting approval of the Project.

**C. Cost.**

The corridor and route modifications are not anticipated to materially alter the cost of the Project. The Project cost remains consistent with the information set forth in the Commission's January 20, 2016 Order granting approval of the Project. However, the Commission requested that Dakota Access submit additional fees in connection with the Project. Dakota Access submitted an additional \$100,000 fee for the Project on April 15, 2016, which will cover any additional application fee costs for the amendments to the Project.

**D. Waiver Request.**

The waivers of time schedules and procedures requested herein are needed to prevent significant delays in continued construction of the Project, as construction commenced on January 21, 2016. *See* PSC Docket No. 145. Construction of the pipeline portion of the Project must begin no later than May 15, 2016, as set forth in the Formal Notice for Start of Construction dated April 18, 2016. Without a timely waiver grant, continued construction of the Project will be delayed which will have negative impacts to the entirety of the Project.

All route adjustments occurred as a result of landowner requests, or agency requests to accomplish cultural avoidance and environmental protection. Because Dakota Access was compelled to adjust the Project route based on factors outside the control of Dakota Access, namely landowner and agency requests, the Commission should issue an order without further

hearing or comment period to avoid significant delays. The specific precipitating event of each individual route adjustment is as follows:

<b>Route Adjustment</b>	<b>Precipitating Event</b>	<b>Description</b>
20	Landowner Interest	Landowner requested a corridor approach for pipeline routing. DAPL adjusted its route to parallel an existing pipeline corridor in contiguous fashion to the next intersection of the 2014 route. This route adjustment fell in line with landowners' preferences for DAPL to remain in close proximity to existing pipeline corridors. DAPL has secured voluntary easements for the entire route adjustment.
22	Landowner Interest	DAPL adjusted its centerline to be the northern most pipeline within an existing pipeline corridor. This route adjustment minimizes impacts to an irregularly shaped cultivated field on the far east end. DAPL has secured voluntary easements for the entire route adjustment.
24	Landowner Interest; Cultural Avoidance	DAPL adjusted its route for specific landowner interest. The adjustment also reduces impacts to wetlands and waterbodies and avoids cultural resource site 32WI1715. During the course of the adjustment, DAPL refined the route to avoid conflicts with existing pipelines, while paralleling existing easements to the greatest extent possible. DAPL has secured voluntary easements for the entire route adjustment.
25	Landowner Interest	DAPL adjusted its route parallel to existing pipelines. DAPL also adjusted its route to avoid well pads to the extent possible. DAPL has secured voluntary easements for the entire route adjustment.
26	Landowner Interest	DAPL adjusted its route to minimize impacts to landowners. The adjusted route's proximity to existing oil and gas infrastructure (relative to the 2014 route) significantly minimizes earth disturbance and time-dependent impacts to property required to install the pipeline. Less intensive earth disturbance will expedite and improve reclamation efforts with less landowner disruption. DAPL has secured voluntary easements for the entire route adjustment.
28	Landowner Interest	DAPL adjusted its route to enter the approved Epping Terminal Location in a manner that minimizes impacts to landowners. The 2014 route bisects numerous cultivated fields. DAPL has secured voluntary easements for the entire route adjustment.
31	Landowner Interest	DAPL adjusted its route for landowners' preference to parallel existing pipeline corridors instead of bisecting

Route Adjustment	Precipitating Event	Description
		tracts. DAPL has secured voluntary easements for the entire route adjustment.
34	Landowner Interest; Cultural Avoidance	DAPL shifted its centerline north to avoid a planned subdivision and continued westerly to minimize landowner impacts that would have otherwise been associated with crossing back over to the original route. This route adjustment also includes avoidance of NRHP-eligible cultural site 32WI1279 to the south. DAPL has secured voluntary easements for the entire route adjustment.
36	Landowner Interest	Route adjustment near the Trenton Terminal. Landowner requested DAPL run south and follow property lines and then follow existing pipeline corridor to the south. The adjusted route's proximity to existing oil and gas infrastructure (relative to the original route) significantly minimizes earth disturbance and time-dependent impacts to property required to install the pipeline. Less intensive earth disturbance will expedite and improve reclamation efforts with less landowner disruption. DAPL has secured voluntary easements for the entire route adjustment.
42	Landowner Interest	DAPL adjusted its centerline to the north side of the existing pipeline corridor. The adjusted route's proximity to existing oil and gas infrastructure (relative to the original route) significantly minimizes earth disturbance and time-dependent impacts to property required to install the pipeline. Less intensive earth disturbance will expedite and improve reclamation efforts with less landowner disruption. DAPL has secured voluntary easements for the entire route adjustment.
44	Landowner Interest	DAPL adjusted its route to exit from the Watford City Terminal at a different location in combination with a landowner request to improve land potential, to avoid bisecting tracts, and reduce interference with existing residential construction. This adjustment also follows the Northern Border Pipeline corridor on the south end. DAPL has secured voluntary easements for the entire route adjustment.
46	Landowner Interest;  Environmental Protection	DAPL adjusted its route for landowner interest and environmental protection. The number of water crossings is reduced and the subsequent time-dependent impacts from construction are reduced, thereby minimizing disruption to landowners and environmental resources. The adjusted route will also provide for improved reclamation efforts. DAPL has secured voluntary easements for the entire route adjustment.



<b>Route Adjustment</b>	<b>Precipitating Event</b>	<b>Description</b>
<b>50</b>	Landowner Interest	DAPL adjusted its centerline to reduce the ground disturbance required for spoil storage and to include a horizontal directional drill that addresses long-term sustainability of land use for the landowner. The adjusted route's proximity to existing oil and gas infrastructure (relative to the original route) significantly minimizes earth disturbance and time-dependent impacts to property required to install the pipeline. Less intensive earth disturbance will expedite and improve reclamation efforts with less landowner disruption. DAPL has secured voluntary easements for the entire route adjustment.
<b>52</b>	Cultural Avoidance	This adjustment avoids cultural resource 32DU2231 and minimizes impacts to cultural resource 32DU1326. DAPL has secured voluntary easements for the entire route adjustment.
<b>53</b>	Environmental Protection, Landowner Interest	This adjustment avoids cultural resource 32DU1249. At landowner request, DAPL also adjusted its route to follow property lines on the west end. DAPL adjusted the route on the east end at landowner request to save trees, avoid a barn, and avoid a water well. DAPL has secured voluntary easements for the entire route adjustment.

Construction and utilization of the Project will benefit landowners, municipalities, and the citizens of North Dakota by significantly reducing traffic congestion and impacts on road infrastructure caused by truck transportation. The Project will also benefit oil producers and mineral owners by alleviating dependence upon previously constrained pipeline capacity, and by providing access to new markets for Bakken crude oil products. Without the waivers of time schedules and procedures requested, Dakota Access will not be able to provide a needed means of transporting crude oil to new markets in a timely manner, which will limit the ability of those producers to market their crude oil.

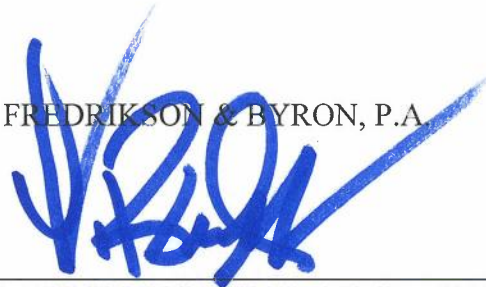
Section 49-22-07.2 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that “the proposed facility is of such length, design, location, or purpose that it will produce minimal adverse effects.” Granting the waivers requested is appropriate because the Commission has already issued a Certificate of Corridor

Compatibility and Route Permit for the Project; thus, it has been determined that the Project will produce minimal adverse effects. Additionally, all necessary environmental and archaeological reviews of the modifications have been completed. The route changes will not affect any of the Public Service Commission exclusion, avoidance, or selection criteria.

For the reasons set forth above, and based on the documentation submitted in connection with the consolidated application for a route deviation and an amended Certificate of Corridor Compatibility and amended Route Permit, Dakota Access respectfully requests that the Commission waive any hearing requirement or any notice of opportunity for hearing requirement. Further, Dakota Access respectfully requests that the Commission grant the requested waivers and render an expeditious decision based on the information provided in support of the application.

Dated this 18th day of April, 2016.

FREDRIKSON & BYRON, P.A.

A handwritten signature in blue ink, appearing to read 'L. BENDER' or similar, written over a horizontal line.

By

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